

## Message Text

UNCLASSIFIED

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ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 OIC-02

DHA-02 ORM-01 JUSE-00 AF-06 ARA-10 EA-09 EUR-12

NEA-10 /119 W

----- 074701

R 120800Z SEP 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 5741

INFO USUN NEW YORK 2348

UNCLAS GENEVA 6990

E.O. 11652: NA

TAGS: OCON, UN, PFOR, SHUM

SUBJ: 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND THE  
TREATMENT OF OFFENDERS: DECLARATION ON TORTURE

REF: A. GENEVA 6818; B. GENEVA 6976

1. SECT IV OF CONGRESS SEPT 11 UNANIMOUSLY ADOPTED AS PART  
OF ITS REPORT DRAFT DECLARATION ON TORTURE AND FORWARDED  
IT TO PLENARY, WHICH EXPECTED TO APPROVE IT SEPT. 12.  
TEXT IS FUNDAMENTALLY THAT CONTAINED IN REF A. ASIDE  
FROM A FEW MINOR VERBAL CHANGES, ONLY ALTERATIONS  
OF SIGNIFICANCE PERTAINED TO ART. 1 AND ART. 12.  
ART. 13 DELETED ENTIRELY. NEW TEXTS OF ART. 1 AND ART.  
12 READ AS FOLLOWS:

2. "ART. 1. FOR THE PURPOSE OF THIS DECLARATION, TOR-  
TURE MEANS ANY ACT BY WHICH SEVERE PAIN OR SUFFERING,  
WHETHER PHYSICAL OR MENTAL, IS INTENTIONALLY INFLICTED  
BY OR AT THE INSTIGATION OF A PUBLIC OFFICIAL ON A PER-  
SON, FOR SUCH PURPOSES AS OBTAINING FROM HIM OR A THIRD  
PERSON INFORMATION OR CONFESSION, PUNISHING HIM FOR AN  
ACT HE HAS COMMITTED OR IS SUSPECTED OF HAVING  
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COMMITTED, OR INTIMIDATING HIM OR OTHER PERSONS.

IT DOES NOT INCLUDE PAIN OR SUFFERING ARISING  
ONLY FROM, INHERENT IN OR INCIDENTAL TO LAWFUL  
DEPRIVATION OF LIBERTY TO THE EXTENT CONSISTENT  
WITH THE STANDARD MINIMUM RULES FOR THE TREATMENT  
OF PRISONERS.

3. TORTURE CONSTITUTES AN AGGRAVATED AND DELIBERATE  
FORM OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT.

4. "ARTICLE 12. ANY STATEMENT WHICH IS ESTABLISHED  
TO HAVE BEEN MADE AS A RESULT OF TORTURE OR OTHER  
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT  
MAY NOT BE INVOKED AS EVIDENCE AGAINST THE PERSON  
CONCERNED IN ANY PROCEEDINGS OR AGAINST ANY OTHER  
PERSON IN ANY PROCEEDINGS.ABRAMS

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CRIME PREVENTION, COMMITTEE MEETINGS, PRISONERS WELFARE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA06990  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750316-0317  
**From:** GENEVA  
**Handling Restrictions:** n/a  
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**Line Count:** 77  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION IO  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 GENEVA 6818, 75 GENEVA 6976  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** RowellE0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 26 MAR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <26 MAR 2003 by MaustMC>; APPROVED <29 JAN 2004 by RowellE0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** 5TH UN CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS: DECLARATION ON TORTURE  
**TAGS:** OCON, PFOR, SHUM, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006